IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PARSI SUIT NO.2 OF 1999

Mahiyar P. Wellington ...Plaintiff
Vs.
Tina Mahiyar Wellington ...Defendant

Mrs.A.S.Khushrushahi for Plaintiff
Ms.Dipti Dasgupta i/b.Dummor Sett for Defendant

CORAM: SMT. ROSHAN DALVI, J.
(Aided by a Foreman, two ladies & two Gentlemen)
DATED: 12TH MARCH, 2007

P.C.

1. Both parties are absent. The pleadings are complete. The evidence of the parties is to be recorded.

2. By consent of both the Advocates Mr. A.R. Babar, retired Prothonotory and Senior Master of this Court is appointed as Commissioner to record the evidence of the parties.

3. The Plaintiff's Advocate states that the Plaintiff is in New Zealand and had come to attend the proceedings of the Jury in December, 2006. He has since returned he cannot come

for recording of evidence on Commission for at least 6 months.

4. The learned Advocate for Defendant has no objection for recording evidence on commission after 6 months.

5. Both the Advocates agree to file the affidavit of examination-in-chief of their respective parties within 2 months from today. Both the Advocates also agree to exchange their respective affidavit of Examination-in-chief with the other party.

6. Both the Advocates also agree to prepare affidavits of examination-in-chief of further witnesses, if any, and exchange them with the other party.

7. The parties shall remain present for recording their respective cross examination on 17th September, 2007.

8. The Commissioner shall commence, continue and complete recording cross examination of the witnesses one by one reasonably from day-to-day. The Advocates of parties agree to bear the cost of commission equally. Both the Advocates agree that fees of the Commissioner shall be at the rate of Rs.500/- per hour.

9. The Parsi Suit No.2 of 1999 is adjourned to next session.

(SMT.ROSHAN DALVI, J.)